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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,529	12/15/2001	Sean Nathan Davie	EN11358	9119

7590 04/20/2005

Motorola, Inc.
Law Department
Room 1610
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,529

Applicant(s)

DAVIE ET AL.

Examiner

Pierre-Louis Desir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/15/2001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the sliding switch means" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Note: for the process of examination, the phrase "the sliding switch means," will be treated as "the sliding latch."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Humphreys et al. (Humphreys), U. S. Patent No. 5825874.

Regarding claim 1, Humphreys teaches a latching apparatus (see abstract) comprising a base member (i.e. secure position within holder) (see abstract and col. 2 line 18) having a rotational connecting means (i.e. release button that rotates each arm about a fixed axis) (see col.

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3 line 9) and a latching means (i.e. a latch of a clamping mechanism that automatically secures the detachable member into the holder in a locked position) (see col. 2 lines 28-30); a rotational member (i.e., the release button rotates each arm. Thus, the arms are rotational members) (see col. 3, line 9) having a rotational mating means (i.e., springs) (see figs. 5A-5D, col. 6, lines 40-44), a sliding latching means (see figs. 5A-5D, col. 6, lines 21-28) and a latching mating means (see figs. 5A-5D, col. 6, lines 24); a detachable member (i.e. mobile telephone) (see col. 5, lines 42); wherein the rotational mating means is mechanically coupled to the rotational connecting means (see fig. 2, col. 5, lines 12-18); and wherein the detachable member is fixedly coupled to the rotational member when the latching mating means is coupled to the latching means (i.e., the clamping mechanisms comprises an arm (i.e., rotational member). And, as the telephone is inserted and slides down along inner surfaces into the holder, the latches and the guides engage the grooves. The tapered tops of grooves allow the latches to slide out of the grooves over the outside sides of the telephone. The springs keep the latches exerting a pressure on the telephone at points of contact. The latches then snap into the notches as the telephone comes to rest just above curved surfaces) (see fig. 2, and figs. 5A-5D, col. 4, lines 66-67; and col. 6, lines 22-32); wherein the rotational member further comprises a retention hood (i.e., holder) (see figs. 1A-1B, and 5A-5D, col. 3, lines 65-67 through col. 4, lines 1-3).

Regarding claim 3, Humphreys discloses a latching apparatus (see abstract) comprising a base member (i.e. secure position within holder) (see abstract and col. 2 line 18) having a rotational connecting means (i.e. release button that rotates each arm about a fixed axis) (see col. 3 line 9) and a latching means (i.e. a latch of a clamping mechanism that automatically secures the detachable member into the holder in a locked position) (see col. 2 lines 28-30); a rotational

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member (i.e., the release button rotates each arm. Thus, the arms are rotational members) (see col. 3, line 9) having a rotational mating means (i.e., springs) (see figs. 5A-5D, col. 6, lines 40-44), a sliding latching means (see figs. 5A-5D, col. 6, lines 21-28) and a latching mating means (see figs. 5A-5D, col. 6, lines 24); a detachable member (i.e. mobile telephone) (see col. 5, lines 42); wherein the rotational mating means is mechanically coupled to the rotational connecting means (see fig. 2, col. 5, lines 12-18); and wherein the detachable member is fixedly coupled to the rotational member when the latching mating means is coupled to the latching means (i.e., the clamping mechanisms comprises an arm (i.e., rotational member). And, as the telephone is inserted and slides down along inner surfaces into the holder, the latches and the guides engage the grooves. The tapered tops of grooves allow the latches to slide out of the grooves over the outside sides of the telephone. The springs keep the latches exerting a pressure on the telephone at points of contact. The latches then snap into the notches as the telephone comes to rest just above curved surfaces) (see fig. 2, and figs. 5A-5D, col. 4, lines 66-67; and col. 6, lines 22-32); wherein the rotational member further comprises a retention hood (i.e., holder) (see figs. 1A-1B, and 5A-5D, col. 3, lines 65-67 through col. 4, lines 1-3); and wherein the sliding latching means comprises a sliding latch (i.e., the tapered tops of the grooves allow the latches to slide out) (see fig. 5-5D, col. 6, lines 25-28); a hook mechanically coupled to the sliding latch (i.e., clamping mechanism) (see figs. 5A-5D, and col. 2, lines 27-30); an inclined ramp mechanically coupled to the sliding latch (i.e., curved surface) (see figs. 3A-3B, col. 5, lines 44-50); and a coiled spring coupled between the rotational member and the sliding latch (see figs. 5A-5D, col. 6, lines 28-30).

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Regarding claim 4, Humphreys discloses a latching apparatus (see claim 3 rejection) wherein the latching mating means comprises a latch post (i.e., the arms (latch bar) have latch sections that form the latches) (see figs. 2, 5A-5D, col. 5, lines 3-4).

Regarding claim 5, Humphreys discloses a latching apparatus (see claim 4 rejection) wherein the base means has at least one vertical wall for engaging the sliding latching means (i.e., vertical back portion) (see figs. 1A-1B, col. 3, lines 65-66).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys in view of Frank, U.S. Patent No. 6002765.

Regarding claim 6, Humphreys discloses a latching apparatus as described above (see claim 5 rejection).

Although Humphreys disclose a latching apparatus as described, Humphreys fails to specifically disclose a latching apparatus wherein the latching means comprises a push-push latch.

However, Frank discloses a latching apparatus (see abstract) wherein the latching means comprises a push-push latch (col. 6, lines 10-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both arts, which are analogous to arrive at the claimed invention. A motivation for doing so would have been to facilitate one-handed operation of the apparatus.

Regarding claim 7, Humphreys discloses a latching apparatus (see claim 6 rejection) wherein the detachable member further comprises at least one détente (i.e. notch) (see figs. 5A-5D, col6, line 30).

Regarding claim 8, Humphreys discloses a latching apparatus (see claim 7 rejection) wherein when the latching means engages with the latching mating means, the at least on vertical wall actuates the sliding latch such that the hook of the sliding latch engages the detente of the detachable means (i.e., the clamping mechanisms in each of the side portions function identically to each other. As the telephone is inserted and slides down along inner surfaces into the holder, the latches and the guides engage the grooves. The tapered tops of grooves allow the latches to slide out of the grooves over the outsides sides of the telephone. The springs keep the latches exerting a pressure on the telephone at points of contact. The latches then snap into the notches as the telephone comes to rest just above curved surfaces) (see fig. 2, and figs. 5A-5D, and col. 6, lines 19-32).

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys in view of Wang et al. (Wang), U.S. Patent No. 5305381.

Humphreys discloses a latching apparatus (see claim 3 rejection), wherein the base member further comprises a leaf spring coupled to the base member (i.e., Humphreys discloses in fig. 7, a clamping mechanism, which has a combined member 700 including an integral spring

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section. The member 700 may be a one-piece member made of plastic or metal. Giving that the spring is an integral part of the member 700, which can be made of metal, one skilled in the art would immediately conceptualize that Humphreys' spring is a metal spring. And giving that the applicant has not disclosed that having a leaf spring solves any stated problem or is for any particular purpose. Moreover, it appears that the Humphreys' spring would perform equally well as any metal spring, including a thin-sheet metal spring (i.e., leaf spring). It would have been obvious to one skilled in the art at the time of the invention to have modified the reference so that the spring may be a leaf spring) (see fig. 7, col. 7, lines 17-34).

Although, Humphreys discloses a latching apparatus wherein when the rotational mating means is coupled to the rotational connecting means, the spring exerts a first angular force against the rotational member (see col. 2, lines 60-67 through col. 3, lines 1-7), Humphreys fails to specifically disclose a dampening clog coupled to the base member wherein the dampening cog exerts a second angular force in a direction opposite that of the first angular force, and in a magnitude proportional to the first angular force.

However, Wang discloses a dampening clog (i.e., ratchet gear) (see fig. 27, col. 7, line 67) coupled to the base member wherein the dampening cog exerts an angular force in a direction opposite that of the spring, and in a magnitude proportional to the spring angular force (i.e., the spring, when wound up by the clockwise rotation of ratchet gear, urges counterclockwise rotation of ratchet gear) (see fig. 27, col. 8, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both arts, which are analogous to arrive at the claimed invention. A motivation for doing so would have been to ensure the secure holding of the device.

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Regarding claim 10, Humphreys disclose a latching apparatus (see claim 9 rejection) wherein the rotational mating means comprise at least one platform leg, the platform leg having at least one assembly hole (see fig. 6, lines 8-13).

Regarding claim 11, Humphreys discloses a latching apparatus (see claim 10 rejection) wherein the rotational connecting means comprises at least one base post (i.e., the arm is pivotably mounted to the frame of the holder) (see fig. 6, lines 8-9).

Regarding claim 12, Humphreys discloses a latching apparatus (see claim 11 rejection) wherein the detachable member comprises a cellular telephone (see col. 5, lines 41-44).

Conclusion

Response to Amendment

8. The amendment filed on 11/15/2004 under 37 CFR 1.131 is sufficient to overcome the Richard reference.

Examiner in view of new references has rescinded allowable subject matter, as related to claim 3-12.

Claims 1, and 3-12 are now rejected.

Response to Arguments

9. Applicant's arguments with respect to claim 1, 3 have been considered but are moot in view of the new ground(s) of rejection.

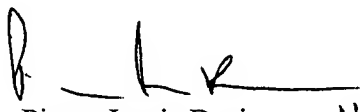
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312.

The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre-Louis Desir
AU 2681
04/11/2005

JEAN GELIN
PRIMARY EXAMINER
